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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
LAZARO, DAVID R				
ART UNIT		PAPER NUMBER		
2155				
NOTIFICATION DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

Application No.

09/727,182

Applicant(s)

MACHE ET AL.

Examiner

DAVID LAZARO

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date: \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This office action is in response to the RCE filed 03/12/2008.
2. Claims 1, 12, 15 and 21 were amended.
3. Claims 1-21 are pending in this office action.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 12-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
7. Claim 12 is directed towards a "message broker unit". As such, it appears that the applicant is claiming a machine or manufacture. However, with consideration given to the specification, the claimed subject matter of claim 12 does not appear to positively recite any hardware elements and can be considered to be entirely software, per se, not embodied on a computer readable medium. As such, the claim does not appear to fall within one of the statutory categories. Dependent claims 13 and 14 do not remedy the deficiency.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-18 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,740,230 by Vaudreuil (Vaudreuil) in view of U.S. Patent 6,591,291 by Gabber et al. (Gabber).

10. With respect to claim 1, Vaudreuil teaches Vaudreuil teaches a system for transmitting messages over a multimedia network from a sending client to a target client, the messages comprising target client information (Col. 1 lines 52-58), the system comprising:

a plurality of message gateways (Col. 7 lines 52-65), each message gateway being configured to receive and transmit over at least one dedicated transfer medium (Col. 7 lines 54-59 and Col. 3 line 66 – Col. 4 line 20), and

a message broker (Col. 7 line 65 – Col. 8 line 1; note the examiner is interpreting the 'remainder of the software system' on the hub to be the message broker) connected to the message gateways (Col. 7 line 65- Col. 8 line 1) and being provided with a client database (Col. 8 lines 46-51 and Col. 9 lines 61-65),

wherein a first message gateway receives a message from a sending client over a first transfer medium (Col. 10 lines 37-41 and Col. 12 lines 21-36) and transmits the message and/or an information extracted thereof to the message broker, the message

broker automatically selects an appropriate second transfer medium depending on the content of the client database and the message or information extracted thereof (Col. 15 lines 13-20 and Col. 19 lines 49-56), and the message is sent to the target client via a second message gateway configured to transmit over the second transfer medium selected by the message broker (Col. 6 lines 46-65).

Vaudreuil does not explicitly disclose the message broker changes an originator identification included in the message received from the sending client to a unique and anonymous alias identification. Gabber teaches receiving a message at a message broker, where the message broker changes an originator identification included in the message received from a sending client to a unique and anonymous alias identification (Col. 5 lines 37 - Col. 6 line 48 and see Fig. 3: Also note Col. 1 lines 66 - Col. 2 line 23 describing a background method).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to change the originator identification to an anonymous alias identification as taught by Gabber in the message broker of Vaudreuil. Using the known technique disclosed by Gabber of changing an originator identification to a unique and anonymous alias identification to provide further privacy and security features to messages as desired by Vaudreuil would have been obvious to one of ordinary skill in the art.

11. With respect to Claim 2, Vaudreuil further teaches wherein a common internal message format is used for the communication respectively between the message

broker and the message gateways (Col. 6 line 65 – Col. 7 line 9 and Col. 13 lines 2-15 and Col. 19 lines 36-48 of Vaudreuil)

12. With respect to Claim 3, Vaudreuil further teaches the message gateways are distributed over the network (See Fig. 1 of Vaudreuil – note gateways are part of the hub functionality).

13. With respect to Claim 4, Vaudreuil further teaches the transfer media comprise analog and digital transfer media (Col. 7 lines 49-60 of Vaudreuil).

14. With respect to Claim 5, Vaudreuil further teaches at least one message processor provided between the first and the second message gateway for further processing the content of the message to be transmitted (Col. 19 line 66 – Col. 20 line 8 of Vaudreuil).

15. With respect to Claim 6, Vaudreuil further teaches the client database comprises addresses of clients (Col. 21 lines 41-46), client preferences (Col. 20 lines 9-11) and/or characteristics of the transfer network to the corresponding target client (Col. 20 lines 11-12 of Vaudreuil).

16. With respect to Claim 7, Vaudreuil further teaches the message broker is designed to furthermore perform processing control (Col. 8 lines 22-65 of Vaudreuil) and/or security processing (Col. 28 lines 63-67 of Vaudreuil).

17. With respect to Claim 8, Vaudreuil further teaches the message broker is designed to furthermore perform accounting and/or billing (Col. 9 lines 61-65 of Vaudreuil).

18. With respect to Claim 9, Vaudreuil further teaches a plurality of message brokers is provided (See Fig. 1 of Vaudreuil – note message brokers are a part of hub functionality).

19. With respect to Claim 10, Vaudreuil teaches all the limitations of Claim 9 and further teaches at least one message broker being connected with a client database with reduced capacity (Col. 7 lines 61-65 and Col. 8 lines 65-67 of Vaudreuil).

20. With respect to Claim 11, Vaudreuil teaches all the limitations of Claim 1 and further teaches the messages respectively contain a non-granted encrypted and a granted non-encrypted part (Col. 28 lines 63-67 of Vaudreuil).

21. With respect to Claim 12, Vaudreuil teaches a message broker unit for a distributed multimedia system, wherein the unit is designed to autonomously select an appropriate transfer medium out of a plurality of transfer media for messages received from a sending client and to be transferred to a target client (Col. 4 lines 46-49 and Col. 19 lines 49-57) in a second format (Col. 19 line 20 - Col. 20 line 21), wherein the message broker unit (Col. 6 lines 46-48) is connected to a client database (Col. 8 lines 46-51 and Col. 9 lines 61-65) and the transfer medium selection is performed depending on target client information and the content of the client database (Col. 20 lines 9-12 and Col. 6 lines 55-59).

Vaudreuil does not explicitly disclose the message broker changes an originator identification comprised in a respective message received from the sending client to a unique and anonymous alias identification. Gabber teaches receiving a message at a message broker, where the message broker changes an originator identification

included in the message received from a sending client to a unique and anonymous alias identification (Col. 5 lines 37 - Col. 6 line 48 and see Fig. 3: Also note Col. 1 lines 66 - Col. 2 line 23 describing a background method).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to change the originator identification to an anonymous alias identification as taught by Gabber in the message broker of Vaudreuil. Using the known technique disclosed by Gabber of changing an originator identification to a unique and anonymous alias identification to provide further privacy and security features to messages as desired by Vaudreuil would have been obvious to one of ordinary skill in the art.

22. With respect to Claim 13, Vaudreuil further teaches the transfer medium selection is performed depending on the target network (Col. 6 lines 55-59 of Vaudreuil), the message type (Col. 20 lines 9-12 of Vaudreuil) and/or client preference contained in the client database (Col. 19 lines 49-56 of Vaudreuil)

23. With respect to Claim 14, Vaudreuil further teaches the messages respectively contain a non-granted encrypted and a granted non-encrypted part (Col. 28 lines 63-67 of Vaudreuil).

24. With respect to Claim 15, Vaudreuil teaches a method for sending messages over a multimedia network from a sending client to a target client, the message comprising target client information (Col. 1 lines 52-58), the method comprising the following steps:



transmitting the message in a first format (Col. 19 line 20 - Col. 20 line 21) from the sending client to a message broker (1) over a first transfer medium (Col. 6 lines 46-48), and

transmitting the message in a second format (Col. 19 line 20 - Col. 20 line 21) to the target client over a second transfer medium, wherein the second transfer medium can be identical to the first transfer medium (Col. 5 lines 60-66),

wherein the message broker selects an appropriate second transfer medium out of a plurality of transfer media depending on the content of a client database (Col. 19 lines 49-56) connected to the message broker (Col. 8 lines 46-51 and Col. 9 lines 61-65) and the target client information (Col. 19 lines 49-56 and Col. 20 lines 9-12).

Vaudreuil does not explicitly disclose the message broker changes an originator identification included in the message received from the sending client to a unique and anonymous alias identification. Gabber teaches receiving a message at a message broker, where the message broker changes an originator identification included in the message received from a sending client to a unique and anonymous alias identification (Col. 5 lines 37 - Col. 6 line 48 and see Fig. 3: Also note Col. 1 lines 66 - Col. 2 line 23 describing a background method).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to change the originator identification to an anonymous alias identification as taught by Gabber in the message broker of Vaudreuil. Using the known technique disclosed by Gabber of changing an originator identification to a unique and anonymous alias identification to provide further privacy and security features to

messages as desired by Vaudreuil would have been obvious to one of ordinary skill in the art.

25. With respect to Claim 16, Vaudreuil further teaches the transmission of the message from the sending client to the target client is performed essentially in real-time (Col. 24 line 63 – Col. 25 line 3 of Vaudreuil).

26. With respect to Claim 17, Vaudreuil further teaches a conversion from the first transfer medium to the second transfer medium is performed depending on the target network (Col. 6 lines 55-59 of Vaudreuil), the message type (Col. 20 lines 9-12 of Vaudreuil) and/or client preference contained in the client database (Col. 19 lines 49-56 of Vaudreuil).

27. With respect to Claim 18, Vaudreuil further teaches before the transmission to the target client, the content of the message is further processed by digital signing, encryption, watermarking and/or translation (Col. 32 lines 57-64 and Col. 28 lines 63-67 of Vaudreuil).

28. With respect to Claim 20, Vaudreuil further teaches the messages respectively contain a non-granted encrypted and a granted non-encrypted part (Col. 28 lines 63-67 of Vaudreuil).

29. With respect to Claim 21, Vaudreuil further teaches a computer readable medium including computer executable instructions, wherein the instructions, when executed by a processor, cause the processor to perform a method according to Claim 15 (Col. 7 lines 47-49 of Vaudreuil and Please refer to Claim 15 rejection).

30. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vaudreuil in view of Gabber as applied to claim 15 above, and further in view of U.S. Patent 6,163,796 by Yokomizo (Yokomizo).

31. With respect to claim 19, Vaudreuil in view of Gabber teaches all the limitations of Claim 15 but does not explicitly disclose a lifetime is attributed to each message and transmitting the message only during that lifetime. Yokomizo teaches a message can have a lifetime attributed to it (Col. 6 lines 4-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Vaudreuil in view of Gabber and modify it as indicated by Yokomizo such that a lifetime is attributed to each message and the message is only transmitted until the expiration of the lifetime. One would be motivated to have this as this provides better efficiency in the messaging system (Col. 2 lines 5-9 of Yokomizo).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID LAZARO whose telephone number is (571)272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David Lazaro/  
Primary Examiner, Art Unit 2155  
July 16, 2008